UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,477	10/31/2003	Wolfgang Theilmann	13909-100001/2002P10191 U	2724

32864 7590 04/02/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022	EXAMINER	
	HU, KANG	
	ART UNIT	PAPER NUMBER
	3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)	
Office Action Summary	10/699,477	THEILMANN ET AL.	
	Examiner	Art Unit	
	Kang Hu	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____ .

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>See Continuation Sheet</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/27/04; 6/1/04; 8/9/04; 8/30/04; 10/05/04; 3/24/05; 6/2/05; 7/11/05; 9/19/06;.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 1-12 and 25-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re claim 1 and 25: The claimed invention is directed toward a non-tangible subject matter because the claim states only non-tangible inventions of abstract nature. Although the applicant has stated the method of using an electronic learning system in the preamble of claim 1, it does not automatically place the claim in the process statutory category. No physical transformation is present to establish a practical application of the abstract idea. Furthermore, the process disclosed in the claim does not contain a tangible result. Claim 25 is also considered non-statutory for not having the same concept as claim 1 without any tangible results. The preamble of the claim stating an electronic learning system, an abstract idea, followed by the abstract components needed to accomplish its result. Therefore, the claimed invention is one of such non-statutory subject matter.

Re claims 2-12 and 26-32 are dependent upon claims 1 and 25, respectively, do not disclose any further method or machine that has any tangible results and therefore also considered non-statutory.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Richard et al. (US 6,162,060).

Re claim 1 and 13. Richard discloses a method and system for use in an electronic learning system that manages versioned learning objects in a master repository (main computer with a repository) and in a local repository (server with file storage which also contains various courses resident on server), the method comprising: detecting a version conflict associated with a learning object; and resolving the version conflict (abstract; col 2-3; col 4, lines 22 - 48; lines 54 - 67; col 5, lines 1-15).

Richard further discloses:

Re claim 2 and 14. The method and system of claim 1, further comprising: creating the learning object in the local repository, the learning object comprising one of a new learning object and a new version of an existing learning object; wherein creating includes detecting and resolving version conflicts (abstract; col 2 -4; col 7, lines 60-68; col 8, lines 35-68; col 11, lines 1-15).

Re claim 3 and 15. The method and system of claim 1, further comprising: transferring the learning object between the local repository and the master repository; wherein transferring includes detecting and resolving version conflicts (col 2-4; col 5, lines 10-15, lines 42-67; col 6, lines 30-67; col 7, lines 1-5).

Re claim 4 and 16. The method and system of claim 1, wherein detecting the version conflict comprises determining if two versions of the learning object will be present in the local repository (col 2-3; col 4, lines 35-67; col 6, lines 58-68; col 7, lines 1-5, lines 35-55).

Re claim 5 and 17. The method and system of claim 1, wherein detecting the version conflict comprises determining if an existing object in the local repository will reference two different versions of the learning object (col 2-4; col 6, lines 58-67; col 7, lines 1-12).

Re claim 6 and 18. The method and system of claim 1, wherein resolving the version conflict comprises: identifying existing objects (application programs) in the local repository that reference the learning object; and changing references in the existing objects (col 2-3; col 4, lines 32-48, lines 55-60; col 5, lines 42-50).

Re claim 7 and 19. The method and system of claim 6, wherein changing the references comprises modifying metadata in the existing objects (col 6, lines 8-36, lines 58-67).

Re claim 8 and 20. The method and system of claim 1, wherein resolving the version conflict comprises providing an option to select a preferred version of the learning object by allowing the student to either finish the same obsolete version or a new version (col 6, lines 58-67; col 7, lines 1-5).

Re claim 9 and 21. The method and system of claim 1, wherein resolving comprises

propagating metadata along a chain of objects that lead to the learning object (col 2-3; col

4, lines 22-48, lines 55-67; col 5, lines 52-67; col 6, lines 58-67).

Re claim 10 and 22. The method and system of claim 9, wherein the metadata is

propagated in the master repository (col 2-3; col 4, lines 22-48, lines 55-67; col 5, lines

52-67; col 6, lines 58-67).

Re claim 11 and 23. The method and system of claim 1, wherein resolving comprises

postponing conflict resolution until the learning object becomes editable (col 8, lines 35-

45).

Re claim 12 and 24. The method and system of claim 1, wherein detecting and resolving

are performed at check-in of the learning object to the master repository (col 7, lines 60-

67; col 8 lines 1-2).

Re claim 25. An electronic learning system, comprising: a master repository which stores

existing versions of learning objects; a local repository which stores alternate versions of

the learning objects stored in the master repository; and a processor that executes

instructions to display content that is based on at least some of the alternate versions of

the learning objects and at least some of the existing versions of the learning objects (col

2-3; col 4, lines 20-47; col 6, lines 58-67; col 7, lines 1-5).

Re claim 26. The electronic learning system of claim 25, wherein the processor executes

instructions to: detect a conflict associated with an alternate version of a learning object

stored in the local repository; and resolve the conflict (col 2-3; col 6, lines 58-68; col 7,

lines 1-5, lines 35-68).

Re claim 27. The electronic learning system of claim 26, wherein resolving comprises

propagating metadata along a chain of objects that lead to the alternate version of the

learning object (col 2-3; col 4, lines 22-48, lines 55-67; col 5, lines 52-67; col 6, lines 58-

67).

Re claim 28. The electronic learning system of claim 27, wherein the metadata is

propagated in the master repository (col 2-3; col 4, lines 22-48, lines 55-67; col 5, lines

52-67; col 6, lines 58-67).

Re claim 29. The electronic learning system of claim 26, wherein resolving comprises

postponing assignment of a cascading conflict resolution until the alternate version of the

learning object becomes editable (col 8, lines 35-45).

Re claim 30. The electronic learning system of claim 25, wherein the local repository is

divided into workspaces, each of the workspaces including alternate versions of the

learning objects stored in the master repository, learning objects stored in one workspace

not referencing learning objects stored in another workspace (col 4, lines 20-48).

Re claim 31. The electronic learning system of claim 26, wherein detecting and resolving

are performed at check-in of the alternate version of the object to the master repository

(col 7, lines 60-67; col 8 lines 1-2).

Re claim 32. The electronic learning system of claim 26, wherein the processor creates

the alternate version of the object by either (a) copying an existing-version of the object

from the master repository to the local repository, or (b) generating the alternate object in

the local repository (abstract; col 2-3; col 4, lines 21-47, lines 54-67; col 5, 1-15; col 7,

lines 60-67).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Siefert teaches an invention concerns computer-assisted education stored in

computer repositories. Ho teaches a computer-aided learning method and system for providing

the free to where and when the user wants to learn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/
Kang Hu
March 16, 2007

KATHLEEN MOSSER
PRIMARY EXAMINER